

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6750 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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VASAI VIJAY TUBE WELL COM. & ORS.

Versus

G E B & ANR.

Appearance:

MR VC DESAI for Petitioners

MR MD PANDYA for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/09/96

ORAL JUDGMENT

Having heard the learned counsel for the parties, going through the contents of this Special Civil Application and the order of this Court made on 18th December 1985, I am satisfied that this Special Civil Application deserves to be disposed of in terms of the order made by this Court on 18th December 1985.

The Gujarat Electricity Board is really interested and should have been interested to see that the electricity consumption charges on account of Consumer No.AG-8 is regularly paid. If some interse disputes are there amongst the petitioners and other persons the same could have been remedied and got decided from appropriate legal forum available. It appears that some other persons are interested to see that the electricity consumer No.AG-8 may be cut off and the petitioner may not get electricity so that their crops may be ruined. To achieve that purpose, the way adopted by respondents No.2, 3 and 4 may not be justified. It is true that the electricity connection is there only in the

name of respondent No.2, but the water from Bore on which electric consumer No.AG-8 is there, in the name of respondent No.2, is being consumed for irrigation purposes by about 40 to 50 cultivators. In such circumstances without expressing any opinion on merits, he cannot be permitted to use veto power until and unless he gets rights interse of the parties decided by a competent Court. They may approach the competent Civil or Revenue Court, as the case may be, to which jurisdiction lies, for decision of such controversy.

3. In the result, this Special Civil Application is allowed and the arrangement made under the order dated 18th December 1985 is made absolute. Rule made absolute accordingly with no order as to costs. However, acceptance of this Special Civil Application will not come in the way of respondents No.2, 3, and 4 to get adjudication on their interse rights with the petitioner and other persons regarding Bore and electric consumer No.AG-8, from the competent Civil or Revenue Court, as the case may be, where jurisdiction lies.

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(sunil)